

REMARKS

In the Office Action mailed June 26, 2008 the Office noted that claims 1-20 were pending and rejected claims 1-20. no claims have been amended, claims 1-20 have been canceled, claims 21-29 are new, and, thus, in view of the foregoing claims 21-29 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

OBJECTION TO THE SPECIFICATION

The disclosure stands objected to for informalities. In particular, the Office states that claims 14 and 17 are substantial duplicates of claims 15 and respectively. The Applicants have cancelled the examined set of claims over claims 21-29 and thus the objections have been made moot.

Withdrawal of the objections is respectfully requested.

REJECTIONS under 35 U.S.C. § 112

Claims 1-20 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Applicants have cancelled claims 1-20 in favor of claims 21-29. The Applicant submit the claims are compliant with 35 U.S.C. § 112, second paragraph.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being obvious over Barlow, U.S. Patent No. 5,652,867 in view of Official Notice. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Barlow discusses a computerized airline flight reservation system simulator. The object of Barlow is to define possible schedule changes that would increase the revenue of the carrier. This differs from the invention as Barlow aims at proposing schedules whereas the claims are directed, for example, to applying schedule changes.

Further the simulator of Barlow proposes changes for financial reasons (to increase revenues) whereas the invention has technical objectives (optimize the re-accommodation computer process, limit the impact on the reservation system during the loading of schedules...)

Therefore, one of ordinary skill in the art would not have looked to Barlow to make this invention. He or she would have chosen a reference directed to the computer application of schedules and not a reference having a business objective. Thus, with out hind sight, one of ordinary skill in the art would not have looked to Barlow to solve the problem of the present claims.

The Applicants have cancelled claims 1-20 in favor of

claims 21-29. Support for the claims may be found, in claims 1-20 as previously presented. The Applicants submit that no new matter has been added by the addition of claims 21-29.

It is submitted that Barlow fails to disclose "updating the reservation inventory database according to the re-accommodations determined during the simulation step," as in claim 21. However, with reference to cancelled claim 1, the Office asserts that Official notice is taken that "finally updating databases with information is old and well known. It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to modify the method of Barlow to include the teachings of Official Notice."

The Applicants respectfully disagree. The Office assumes that any software can be simply changed and made to perform another function. The requirements for simulators that run in a read-only environment are not as strenuous as live production type systems of the present claims. Thus, Official Notice is not of a matter that is "capable of instant and unquestionable demonstration", as expressly required by section 2144.03(A) of the *MPEP*. Indeed, even assuming *arguendo* that the equivalence of the update in the database is fact, this fact would be neither of notorious character nor instantly and unquestionably demonstrable.

Therefore, Official Notice likewise does not disclose "updating the flight schedule database starting with the future

schedule records (FSR) comprising dependent re-accommodation options," as in claim 21.

Further, Barlow fails to disclose "extracting the changes contained in the batch and storing said changes as a set of Future Schedule Records (FSR) which are stored as temporary data available for passenger re-accommodation purpose," as in claim 21. It is clear that Barlows purpose is to maximize airline profit, not re-accommodate a passenger.

Further, nowhere in Barlow is it disclosed that "publishing the future schedule records (FSR) and a reservation distribution serve," as in claim 21.

For at least the reasons discussed above, Barlow and Official Notice, taken together and in combination, fail to disclose the features of claim 21 and the claims dependent therefrom.

As Barlow does not disclose re-accommodation it further does not disclose "the determination of the best re-accommodation option for each passenger impacted by flight schedule changes contained in a batch is made among the same batch, a future schedule record (FSR) of another batch and the data of the flight schedule database," as in claim 23.

Further Barlow fails to disclose "the records (FSR) are deleted after final updating of the flight schedule and the reservation inventory databases," as in claim 29. As Barlow is only simulating it has no need to delete anything.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112 and 103. It is also submitted that claims 21-29 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/James J. Livingston, Jr./
James J. Livingston, Jr.
Reg.No. 55,394
209 Madison St, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

JJL/jr